

Serial No. 10/812,024

Amendment Dated: December 23, 2005

Reply to Office Action Mailed: September 27, 2005

Attorney Docket No. 011270.49301D1

REMARKS

Claims 1-7 are pending in the application. Reexamination and reconsideration are respectfully requested.

Applicants' counsel wishes to thank Examiner Pham for the courtesies extended during the personal interview on December 15, 2005. The following reports the substance of the interview.

As discussed, Applicants' invention is directed toward a method for determining the thickness deviation of a substrate from a predefined standard thickness. The method includes placing a substrate into an opening of a substrate holder provided for the substrate, the substrate holder having a flat upper surface. The method focuses on the surface of the substrate and records the focus position. The method focuses on the flat upper surface of the substrate holder and records the focus position. The thickness deviation of the substrate is ascertained from the difference between the two focus positions.

As pointed out during the interview, the invention determines the thickness deviation from the difference between the focus positions. Accordingly, Applicants submit the specification is in full compliance with the provisions of 35 USC §112.

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Regarding the prior art rejections, claims 1 and 2 were rejected as being anticipated under 35 USC §102(e) based on Ganser et. al. (US 6,545,765). Further, it appears the Examiner meant to indicate that claims 3-7 were rejected as obvious over Ganser et. al. in view of Samuels. In any event, Ganser has a provisional application filing date of November 8, 1999. By contrast, Applicants' claimed priority date is October 11, 1999. Thus, Applicants submit herewith a verified English translation of the German Priority Application DE 19948797.9 filed in Germany on October 11, 1999. Hence, Applicants have perfected their priority claim and the Ganser et. al. reference is no longer applicable. As a result, Applicants submit claims 1-7 are in condition for allowance. An early notice to that effect is solicited.

Regarding the Information Disclosure Statement filed March 30, 2004, as discussed during the interview, Applicants submit herewith new 1449 Forms listing all of the references from the parent application.

In view of the foregoing, Applicants submit the application is now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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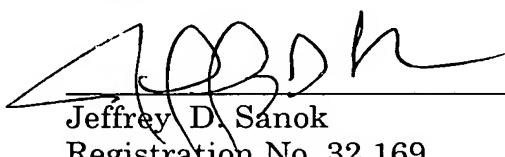
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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011270.49301D1).

Respectfully submitted,

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